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EXAMINER

KENNEDY, LESA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2151

DATE MAILED: 06/14/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/740,718

Examiner

Lesa Kennedy

Applicant(s)

GOPAL ET AL.

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Remarks***

1. This action is responsive to the application filed on December 18, 2000. Claims 1-17 are pending examination. Claims 1-17 are directed towards system and method for storing messages and information regarding the routing and delivery of the messages.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-17 are drawn to a message delivery system that archives messages at each route point processor.
- II. Claims 18-28 are drawn to a message delivery system that archives messages in a web server via the Internet.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as because it is directed towards message delivery system in which the messages are archived at each route point processor, and can be used in systems in which the archive is not in a separate network. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and different searches are required for each group, restriction for examination purposes as indicated is proper. The search for the invention of Group II would require considering class 709, subclass 218 (Using interconnected networks), while the search for Group I would not.

During a telephone conversation with Horace H. Ng on June 3, 2004, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.84(o) because items in Figs. 1 and 4 do not have descriptive legends. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 5 and 11 are objected to because they contain grammatical/typographical errors. Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 recites the limitation "transmitting an acknowledgement receipt from said destination connectors to said archival database" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. The specification discloses that the acknowledgement receipt is sent from the destination connector to a route point processor. For purposes of further reviewing this claim, it will be assumed that the applicant intended to state that the acknowledgement receipt is sent from the destination connector to the archival database via the route point processor.

6. Claim 8 recites the limitation "transferring said acknowledgement receipt from said first archival database to said second archival database" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. The specification states that an acknowledgement receipt is sent to the first and second route point processors (see page 16, lines 4-7), and is subsequently sent to the first and second archival databases.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Annapareddy (U.S. Patent No. 5,717,862) in view of Buckley (U.S. Patent No. 6,163,809).

As to claim 1, Annapareddy teaches a process comprising the steps of:

providing a first and second communication backbone [col. 5, lines 23-28; Annapareddy discloses multiple communication paths];

providing a first route point processors coupled to one of said connectors by said first communication network [col. 5, lines 23-28; Annapareddy discloses that intermediate nodes B, D and E (route point processors) are connected to a source node (connector)]; said one of said connectors having a message to be sent to a destination connector[col. 5, lines 23-28; Annapareddy discloses that the source node (connector) sends a message to a destination node (destination connector)]; said destination connector coupled to said first route point processor by said first communication network [col. 5, lines 23-28; Annapareddy discloses that the destination node (destination connector) is also connected the intermediate nodes (route point processors)];

providing a second route point processor coupled to said one of said connectors by said second communication network [col. 5, lines 23-28; Annapareddy discloses that intermediate

nodes B, D and E (route point processors) are connected to a source node (connector)]; said destination connector coupled to said second route point processor by said second communication network [col. 5, lines 23-28; Annapareddy discloses that the destination node (destination connector) is also connected the intermediate nodes (route point processors)];

transmitting said message from said one of said connectors to said first route point processor [col. 5, lines 23-28; Annapareddy discloses sending a message from the source node (connector) to the intermediate nodes (route point processors)]; transmitting said message from said one of said connectors to said second route point processor [col. 5, lines 23-28; Annapareddy discloses sending a message from the source node (connector) to the intermediate nodes (route point processors)];

transmitting said message from said first route point processor to said destination connector [col. 5, lines 28-33; Annapareddy discloses sending the message from the intermediate nodes (route point processors) to the destination node];

transmitting said message from said second route point processor to said destination connector [col. 5, lines 28-33; Annapareddy discloses sending the message from the intermediate nodes (route point processors) to the destination node]; and

selectively processing either the message received from said first route point processor or said second route point processor [col. 5, lines 42-45; Annapareddy discloses that the destination node selects one of the messages received from the intermediates nodes (route point processors)].

Annapareddy does not expressly teach the limitation of archiving the message.

However, Buckley teaches a method for preserving delivery status notification information as a message transits from one type of network to another (see abstract). Buckley

teaches the limitation of archiving messages [col. 12, lines 26-30, 40-43, 51-56; Buckley discloses a store (route point processor) that forwards messages to recipients and saves a copies of the sent messages in a data store].

Annapareddy and Buckley are analogous art because they relate to the transmission of messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Annapareddy in view of Buckley so as to store messages at each node. One would be motivated to do so to ensure that a copy of the message is retained until it is established that the sent message has arrived at its destination.

As to claim 2, the combination of Annapareddy in view of Buckley teaches the process as claimed in claim 1 wherein said archiving step further includes the step of configuring a first and second archival database [col. 12, lines 56-67; Buckley discloses that data store managers determine how information is stored in a data store (archival database)] associated with said one of said connectors [col. 9, lines 1-4; col. 12, lines 51-53; Buckley discloses that the data store (archival database) stores messages from an Internet mail service (connector)], said step of configuring further includes the step of associating said first archival database with said first route point processor and associating said second archival database with said second route point processor [col. 5, lines 23-28; Annapareddy discloses multiple intermediate nodes (route point processors); col. 12, lines 26-30, 51-56; Buckley discloses a data store (archival database) associated with each store (route point processor)].

As to claim 3, the combination of Annapareddy in view of Buckley teaches the process as claimed in claim 2 further comprising the steps of transmitting an acknowledgment receipt upon



archival of said message by said first route point processor; and transmitting a receipt acknowledgment upon archival of said message by said second route point processor [ col. 3, lines 54-56; Annapareddy discloses that each node (route point processor) transmits information on the status of messages].

As to claim 4, the combination of Annapareddy in view of Buckley teaches the process as claimed in claim 3 wherein said step of configuring further includes a step of providing a network manager for configuring said first and second archival databases [col. 12, lines 56-67; Buckley discloses that data store managers (network manager) determine how information is stored in a data store (archival database)].

As to claim 5, the combination of Annapareddy in view of Buckley teaches the process as claimed in claim 4 further comprising the step of transmitting an acknowledgment receipt from said destination connectors to said archival database via a route point processor [col. 5, lines 42-49; Annapareddy discloses sending a lock-up control code point (acknowledgement receipt) to the node (route point processor) from which it received the message; col. 12, lines 46-56; Buckley discloses that a store (route point processor) saves received delivery status information (acknowledgement receipts) in a data store (archival database)].

As to claim 6, the combination of Annapareddy in view of Buckley teaches the process as claimed in claim 5 wherein said step of transmitting an acknowledgment includes the step of matching said acknowledgment receipt with said message in said first archival database [col. 3, lines 49-59; Annapareddy discloses that each node maintains status information on sent messages].

As to claim 7, the combination of Annapareddy in view of Buckley teaches the process as claimed in claim 5 wherein said step of transmitting an acknowledgment includes the step of matching said acknowledgment receipt with said message in said second archival database [col. 3, lines 49-59; Annapareddy discloses that each node maintains status information on sent messages].

Claims 11-15 represent process claims that correspond to claims 2-6, respectively. They do not teach or define any new limitations above claim 2-6, and therefore are rejected for similar reasons.

Claims 9-10 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Annapareddy in view of Buckley, and further in view of daSilva (U.S. Patent No. 6,445,937).

As to claim 9, the combination of Annapareddy in view of Buckley teaches the process as claimed in claim 5 further comprising the step of providing a database associated with said network manager [col. 12, lines 56-67; Buckley discloses that data store managers (network manager) determine how information is stored in a data store (database)]; said database adapted for maintaining a list of delivered messages [col. 12, lines 46-49; Buckley discloses storing delivery status information].

The combination does not expressly teach that the database is a billing database.

However, daSilva teaches of a mobile switching base station that stores incoming messages in a database. daSilva teaches the limitation of providing a billing database [col. 5, lines 42-54; daSilva discloses that the database comprises a billing database].

Annapareddy in view of Buckley, and daSilva are analogous art because they relate to the transmission and storage of messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Annapareddy in view of Buckley, in view of daSilva so as to maintain a billing database. One would be motivated to do so to enable accuracy in billing customers for network usage.

As to claim 10, the combination of Annapareddy in view of Buckley, in view of daSilva teaches the process as claimed in claim 9 further including the step of maintaining statistical information regarding delivery of said message [Annapareddy; col. 3, lines 54-56].

Claims 16-17 represent process claims that correspond to claims 9-10, respectively. They do not teach or define any new limitations above claim 9-10, and therefore are rejected for similar reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lesa Kennedy whose telephone number is (703) 305-8865. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Andrew Caldwell  
Andrew Caldwell